

1 Tamie Richardson  
2 746 Bailey Drive  
3 Grants Pass OR 97527

FILED 10 OCT 1 11 29 USDC-OR

4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF OREGON

**Tamie Richardson**

Plaintiff,

vs.

**First Horizon Home Loan Corp**

Defendant

Case # **10-3073 PA**

**PLAINTIFFS MOTION FOR  
RULE 11 SANCTIONS**

Date: October 1, 2010

8 PLAINTIFF'S MEMORANDUM IN

9 SUPPORT OF MOTION FOR RULE 11 SANCTIONS

10 Plaintiff asks the court to impose sanctions against Holger Uhl, counsel for Defendant,  
11 hereinafter referred to counsel for Defendant, for filing Defendants Answer in violation of  
12 Federal Rule of Civil Procedure 11(b).

13 A. Introduction

14 1. Plaintiff is Tamie Richardson and Defendant is First Horizon Home Loan Corp.

15 2. Plaintiff sued Defendant for numerous violations including but not limited to violations  
16 of the Truth In Lending Act, The Real Estate Settlement Procedures Act, The Home equity  
17 Protection Act, Fraud, Common law Fraud, Breach of Fiduciary duties, .Et Al.

18 3. On September 22, 2010 counsel for Defendant filed defendants answer.

19 B. Argument

20 5. The court may impose sanctions on a party, an attorney, or a law firm, for presenting a  
21 pleading, written motion, or other paper for an improper purpose, such as to harass or cause  
22 unnecessary delay or expense. **Fed. R. Civ. P. 11(b)(1), (c)(1)**. Also, the court may impose

sanctions on a party, an attorney, or a law firm, for presenting a pleading, written motion, or other paper that includes any of the following: (1) claims, defenses, or contentions not warranted by existing law or by a good-faith argument for extending, modifying, or reversing existing law or for establishing new law; (2) allegations that do not have, or are unlikely to have after a reasonable investigation, evidentiary support; or (3) denials unwarranted by the evidence. **Fed. R. Civ. P. 11(b)(2)-(4), (c)(1).**

6. Counsel for Defendant filing of "Defendants Answer" violated Rule 11 because counsel for Defendant filed the document for an improper purpose, such as to harass, cause an unnecessary delay, or needlessly increase the cost of litigation. **Fed. R. Civ. P. 11(b)(1); *Mercury Air Group, Inc. v. Mansour*, 237 F.3d, 542, 548 (5th Cir. 2001).** Specifically, The answer or affirmative defenses make bald allegations that claims are stated improperly, claims are time barred due to limitation on statutory procedure, and that the court lacks jurisdiction over the Defendant. However, the Defendant failed to offer any further information as to HOW his defenses are justified, or how Plaintiff specifically failed to meet Federal Rules of Civil Procedure. This is seemingly a waste of time, and intentionally done to cause unnecessary delay, and cost to the Plaintiff.

7. Before imposing sanctions, the court should determine whether the party or the attorney made a reasonable inquiry into the facts or the law before signing and presenting the document. *See Fed. R. Civ. P. 11(b); Townsend v. Holman Consulting Corp.*, 929 F.2d 1358, 1364-65 (9th Cir. 1990). The court should impose sanctions against counsel for Defendant because he did not make a reasonable inquiry into the facts or law before filing the answer He offered no court cases, information, rules or procedures as to how, why, or what specifically failed to meet the criteria he uses as a defense.

8. The court should impose the following sanctions: Monetary Sanctions, and Striking Of Pleadings of the defendant. The requested sanctions are sufficient to deter repetition of the sanctionable conduct. **Fed. R. Civ. P. 11(c)(4); *Fries v. Helsper*, 146 F.3d 452, 458-59 (7th Cir. 1998).** Plaintiffs suit makes very strong claims and allegations, which can be proved through discovery, and demands that the complaint be taken seriously. Counsel for Defendant failed to address the suit with specificity, and by the court allowing sanctions in this case, the counsel will take the case with serious intention.

C. Conclusion

9. Defendants answer failed to address with specificity, as to why the defenses counsel for Defendant used, were valid. They are wasting the time of the Plaintiff and the Court, and are shadowing the seriousness of the case at hand. For these reasons, Plaintiff asks the court to impose sanctions of a monetary amount to be determined by the court, and a Striking of Defendants answer in its entirety.

**Respectfully Submitted,**

*Tamie Richardson*

**Tamie Richardson**

**VERIFICATION**

I, Tamie Richardson , do swear and affirm that all statements made herein are true and accurate, in all respects, to the best of my knowledge.

Tamie Richardson  
746 Bailey Drive  
Grants Pass, OR 97527

SWORN TO AND SUBSCRIBED BEFORE ME, Judith F Coome, by Tamie Richardson, on the 1 day of October, 2010, which witnesses my hand and seal of office.

*JF Coome*

**NOTARY PUBLIC IN AND FOR  
THE STATE OF OREGON**



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**CERTIFICATE OF SERVICE**

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**I HEREBY CERTIFY** that a true and exact copy of the above has been furnished by

95

U.S. Mail on this 1<sup>st</sup> day of October, 2010 to the following:

96

Mr Holger Uhl

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McCarthy & Holthus, LLP

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19735 10<sup>th</sup> Avenue NE< Ste N200

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Poulsbo, WA 98370

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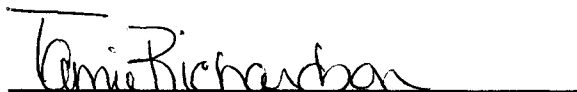
Attorneys for First Horizon Home Loan Corp

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A handwritten signature in black ink, reading "Tamie Richardson", is written over a solid horizontal line.

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**Tamie Richardson**